

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**SEAN KELLY; LION'S SHARE &
ASSOCIATES, INC; LIONSSHARE TAX
SERVICES, LLC; AND LION'S SHARE
FINANCIAL OF EAST COBB, INC.,**

Defendants.

**Civil Action File No.
1:18-cv-4939-TCB**

MOTION CONFIRMING SALE OF REAL PROPERTY

On November 15, 2018, this Court entered a preliminary injunction [Dkt. 17] (the "Order") that, among other things, appointed Rhonda Duffy of Duffy Realty as the liquidation agent to market and sell certain real property owned by the Defendant in this case. The Court subsequently substituted Tom Posey of Domain Realty, Inc. as the liquidation agent in this matter. [Dkt. 22.] Mr. Posey has marketed the property referred to in the Order and has received and accepted

an offer for the sale of the property located at 2831 Bentwood Dr., Marietta, GA 30062.

Mr. Posey obtained three appraisals for the property, and the average appraised value was \$365,666. *See* Declaration of Thomas Posey (“Posey Dec.”) ¶¶ 2-3 [Dkt. 30]. Consistent with 28 U.S.C. § 2001(b), Mr. Posey advertised the offer for two weeks in the Marietta Daily Journal before accepting it. *See* Posey Dec. ¶ 5. The offer Mr. Posey advertised was for \$350,000, and no higher offers were received. Posey Dec. ¶¶ 4-5.

Because the sale amount is more than two-thirds of the average appraised value of the property, and because the property was properly advertised, the Court should confirm the sale. After paying commissions, closing costs, the mortgage holder, and the percentage ordered to Mrs. Kelly, the sale will net \$59,670.30, which amount will be deposited into the registry of the Court. *See* Posey Dec. ¶ 4, Ex. (Settlement Statement).

For the foregoing reasons, the Commission respectfully requests the Court to confirm and approve the private sale of the home located at 2831 Bentwood Dr., Marietta, GA 3006. A proposed order granting this motion is attached as Exhibit A.

This 26th day of August, 2019.

Respectfully submitted,

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/s/ Joshua A. Mayes
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CERTIFICATION OF COMPLIANCE

This is to certify that the foregoing was prepared using Times New Roman 14 point font in accordance with Local Rule 5.1 (B).

/s/ Joshua A. Mayes

Joshua A. Mayes

Georgia Bar No. 143107

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing to be served on Sean Kelly by UPS addressed as follows:

Sean Kelly
Inmate No. 71966-019
Montgomery FPC
Maxwell Air Force Base
Montgomery, AL 36112

This 26th day of August, 2019.

/s/ Joshua A. Mayes
Joshua A. Mayes